

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RAFIQ JONES,

Plaintiff,

vs.

**Case No.: 2:19-cv-2137
JUDGE GEORGE C. SMITH
Magistrate Judge Vascura**

STATE OF OHIO, *et al.*,

Defendants.

ORDER

On June 21, 2019, the United States Magistrate Judge issued an *Order and Report and Recommendation* recommending that the Plaintiff's claims against the State of Ohio, Ohio Department of Rehabilitation and Correction ("ODRC"), and the ODRC Director be dismissed and the case be transferred to the United States District Court for the Northern District of Ohio. (*See Order and Report and Recommendation*, Doc. 5). The Magistrate Judge also granted Plaintiff's Motion for Leave to Proceed *in Forma Pauperis*. The parties were advised of their right to object to the *Order and Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections. (*See* Doc. 6). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

In Plaintiff's objections, he contends that the Eleventh Amendment does not bar his claims here. Plaintiff, however, has failed to provide any caselaw that counters the conclusions reached by the Magistrate Judge. The Magistrate Judge correctly held that the Eleventh Amendment bars Plaintiff's claims for compensatory damages against the State and State agencies, unless the State has expressly given consent which it has not in this case. *See* *Mixon v.*

State of Ohio, 193 F.3d 389, 397 (6th Cir. 1999). The Court agrees.

Therefore, for the reasons stated in detail in the *Order and Report and Recommendation*, this Court finds that Plaintiff's objections are without merit and are hereby **OVERRULED**.

The *Order and Report and Recommendation and Order*, Document 5, is **ADOPTED** and **AFFIRMED**. Plaintiff's Motion for Leave to Proceed in forma Pauperis is **GRANTED**.

Because Plaintiff's remaining claims arise from an incident that occurred at LCI, in Lorain County, Ohio, venue is not proper in this Court and pursuant to 28 U.S.C. §1406 or § 1404(a), this matter is hereby transferred to the United States District Court for the Northern District of Ohio Eastern Division at Cleveland, which serves Lorain County.

The Clerk shall remove Documents 5 and 6 from the Court's pending motions list and transfer this case.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT